



BOULT ■ CUMMINGS  
CONNERS ■ BERRY PLC

RECEIVED

2004 APR - 8 PM 4: 01

Henry Walker  
(615) 252-2363  
Fax (615) 252-6363  
Email hwalker@boultcummings.com

April 8, 2004  
P.R.A. DOCKET ROOM

Deborah Taylor Tate, Chairman  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, Tennessee 37243

Re Petition for Expedited Review of Growth Code Denial by the Number Pooling  
Administrator Relating to the Nashville Rate Center  
Docket No

Dear Chairman Tate.


04-00103

Please accept for filing the attached Petition of AT&T of the South Central States, LLC  
for Expedited Review of Central Office Code Denial A \$25.00 filing fee is enclosed

Respectfully submitted,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By:

  
Henry Walker  
414 Union Street, Suite 1600  
P O Box 198062  
Nashville, Tennessee 37219  
(615) 252-2363  
*Counsel for AT&T*

HW/bb  
Encl

**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE**

**April 8, 2004**

<i>IN RE:</i>	)	
	)	<i>Docket No.</i>
<i>Petition for Expedited Review of Growth</i>	)	
<i>Code Denial by the Number Pooling</i>	)	
<i>Administrator Relating to the Nashville Rate</i>	)	
<i>Center</i>	)	

---

**PETITION OF AT&T OF THE SOUTH CENTRAL STATES, LLC FOR  
EXPEDITED REVIEW OF CENTRAL OFFICE CODE DENIAL**

---

AT&T of the South Central States, LLC ("AT&T"), pursuant to rules adopted by the Federal Communications Commission ("FCC") for challenging determinations of the Number Pooling Administrator ("NeuStar"), hereby petitions the Tennessee Regulatory Authority ("TRA") for an expedited review of NeuStar's denial of AT&T's application for one block of telephone numbers in the Nashville rate center in order for AT&T to serve its customer.

1. AT&T is a competitive local exchange carrier providing telecommunications services in Tennessee under the jurisdiction of the TRA.

2. NeuStar is an independent, non-governmental entity that is responsible for administering and managing numbering resources in pooling areas. See C.F.R. Section 52.13(a) and (b).

3. This Petition is based on the Federal Communications Commission ("FCC") Rules found at 47 C.F.R. § 52.15(g)(4) and pursuant to the Thousands-Block Number (NXX-X) Pooling Administration Guidelines ("TBPAG") and the Central Office Code

(NXX) Assignment Guidelines published by the Industry Numbering Committee (“INC”) In addition, on March 31, 2000, the FCC issued a Report and Order and Further Notice of Proposed Rule Making related to numbering resource optimization (“FCC 00-104” or the “March Order”) On December 29, 2000, the FCC issued its Second Report and Order, Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200, and Second Further Notice of Proposed Rulemaking in CC Docket No. 99-200 (“FCC 00-249” or the “December Order”) These FCC Orders addressed issues and strategies relating to the efficient use of numbering resources

4. In FCC 00-104 and FCC 00-429, the FCC announced rules and sought comments in an effort to implement uniform standards governing requests for telephone numbering resources in order to increase efficiency in the use of existing telephone numbers and to slow further exhaustion of existing numbers under the North American Numbering Plan.

5 Among other things FCC 00-104 adopted a revised standard for assessing a carrier’s need for numbering resources by requiring carriers to report rate center based utilization data to NeuStar. The FCC further required that to qualify for access to new numbering resources, applicants must establish that existing inventory within the applicant’s rate center will be exhausted within six months of the application.

6 In addition to the months-to-exhaust (“MTE”) requirement described above, the FCC’s rules also require carriers to meet a rate center utilization threshold of 70 percent (as of July 1, 2003) to receive additional numbering resources in a given rate center. FCC 00-249 at Paragraph 22; FCC 01-362 Paragraphs 50-52. The utilization threshold increases by five percent per year until it reaches a maximum of 75 percent.

Based on the FCC's orders, carriers must meet both the six-month MTE requirement and the utilization threshold on a rate center basis to obtain additional number resources. Id. at Paragraph 29.

7. An AT&T customer, Deloitte, has requested 500 numbers for its place of business in the Nashville rate center. A copy of the letter outlining the request is attached as Exhibit A. AT&T has developed a communications plan that the customer will implement so that all of the 500 numbers will be assigned within 180 days of the numbers being made available to the customer. The numbers would be used as early as they are available.

8. The Nashville rate center of the 615 Area Code was converted to Number Pooling on March 14, 2002 as authorized by the FCC. Consequently, normal numbering resource acquisition by a Number Pooling carrier, such as AT&T, is gained through an interface with NeuStar<sup>1</sup>.

9. On March 10, 2004, AT&T submitted a "Thousand Block Application Form Part 1A", and a "Months to Exhaust and Utilization Certification Worksheet – TN Level" to NeuStar for a thousands-block of a specific nature (block range containing numbers 615-NXX-1300 through 1799) in the Nashville rate center to satisfy the customer request. A copy of this application is attached as Exhibit B

10. Later that day, AT&T received, via Pooling Administration System, an error message indicating the request would not process through the system without a state waiver. NeuStar applies the FCC rules and order and INC Guidelines. As set forth in

---

<sup>1</sup> The federal rules in 47 C.F.R. 52.15 generalize responsibilities of NANPA and the Pooling Administrator under the heading "Central office code administration"

Paragraphs 5 and 6, these rules and guidelines require that a block holder requesting growth resources demonstrate that existing resources within the rate center will both exhaust within 6.0 months, and meet the 70% utilization level. The error message was for both conditions

11. Although AT&T has an adequate supply of telephone numbers to satisfy incremental requests for numbers without receiving new blocks of numbers, AT&T's existing telephone resources cannot satisfy this customer's specific need. AT&T holds no NXXs with a satisfactory block that it can assign to the customer.

12. As a result of the denial of AT&T's request for additional numbering resources, AT&T is unable to provide the telecommunications services requested by its customer in Tennessee

13 In setting its policy for the assignment of telephone numbers, the FCC designated NANPA and NeuStar, as the Pooling Administrator, to handle numbering resource administration<sup>2</sup> If a numbering resource administrator withholds numbering resources from a carrier, the FCC has specifically authorized state commissions to overturn those decisions for reasonable cause. That authority is specifically set out in the relevant FCC Rule, 47 C.F.R. §52.15 (g)(4), which states:

The NANPA shall withhold numbering resources from any U.S. carrier that fails to comply with the reporting and numbering resource application requirements established in this part. The NANPA shall not issue numbering resources to a carrier without an Operating Company Number (OCN).

---

<sup>2</sup> 47 C.F.R. § 52.15(a) states "Central Office Code Administration shall be performed by the NANPA, or another entity or entities, as designated by the Commission" 47 C.F.R. § 52.20(d) states "The Pooling Administrator shall be a non-governmental entity that is impartial and not aligned with any particular telecommunications industry segment, and shall comply with the same neutrality requirements that the NANPA is subject to under this part "

The NANPA must notify the carrier in writing of its decision to withhold numbering resources within ten (10) days of receiving a request for numbering resources. The carrier may challenge the NANPA's decision to the appropriate state regulatory commission. **The state commission may affirm, or may overturn, the NANPA's decision to withhold numbering resources from the carrier based on its determination that the carrier has complied with the reporting and numbering resource application requirements herein. The state commission also may overturn the NANPA's decision to withhold numbering resources from the carrier based on its determination that the carrier has demonstrated a verifiable need for numbering resources and has exhausted all other available remedies.**

The FCC also clarified in the FCC 00-249 Order that carriers may now appeal to states using a "safety valve" mechanism (paragraphs 57-66). The FCC contemplated the need for, and gave structure to states to respond when denials failed to consider a "specific customer request"

We also agree with WinStar that a carrier should be able to get additional numbering resources when there is a verifiable need due to the carrier's inability to satisfy a specific customer request. We therefore clarify that states may also grant relief if a carrier demonstrates that it has received a customer request for numbering resources in a given rate center that it cannot meet with its current inventory. Carriers may demonstrate such a need by providing the state with documentation of the customer request and current proof of utilization in the rate center.

14. An essential aspect of the "safety valve" provision is the accelerated response that is provided for in the FCC's order: States should act upon such a request in most instances in 10 business days, as noted by the FCC

Finally, we recognize that in many instances, the failure to address a request for additional numbering resources can impair a carrier's ability to stay in or expand business. We therefore direct states to act on carrier requests for a safety

valve as expeditiously as possible. Although we do not establish a specific time limit for states to act on these requests, we believe that, in most instances, 10 business days from receipt of a request that the state determines to be sufficiently detailed and complete will be sufficient time to review and act upon safety valve requests. If a state does not reach a decision on a safety valve request within a reasonable timeframe, carriers may submit such requests to the Commission for resolution. In addition, carriers may appeal to the Commission safety valve decisions made by states, and we delegate authority to the Common Carrier Bureau to review such petitions as expeditiously as possible.

*Id.* at Paragraph 66

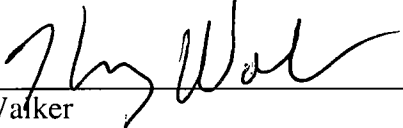
15. AT&T seeks the Authority's review of NeuStar's decision to withhold numbering resources from it on the grounds that the decision: (1) violates the orders and rules of the FCC which grant carriers access to numbering resources to meet specific customer demands upon a sufficient showing of need and (2) interferes with AT&T's ability to serve its customers in Tennessee. As the FCC has stated, "Under no circumstances should consumers be precluded from receiving telecommunications services of their choice from providers of their choice for want of numbering resources." FCC 00-429 at Paragraph 61. By refusing to grant numbering resources sufficient to meet this Nashville customer's needs, the decision is preventing the customer from obtaining the service of its choice from its carrier of choice, AT&T.

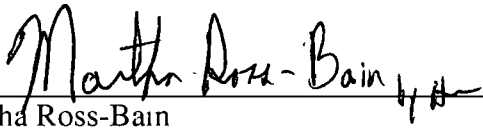
#### **Relief Sought**

For these reasons, AT&T respectfully requests that the Commission expeditiously review NeuStar's decision denying AT&T's request for additional numbering resources and order NeuStar to provide the requested numbers to meet the specific requirements of AT&T's Nashville customer

Respectfully submitted,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By.   
Henry Walker  
414 Union Street, Suite 1600  
P O Box 198062  
Nashville, Tennessee 37219  
(615) 252-2363

  
Martha Ross-Bain  
AT&T Communications of the South, LLC  
1200 Peachtree St., NE, Suite 8062  
Atlanta, Georgia 30309  
404-810-6713



MAR-09-2004 11:40

NASHVILLE GLOBAL

EXHIBIT

A

March 5, 2004

Deloitte  
4022 Sells Drive  
Hermitage, TN 37122

## CODE ADMINISTRATION

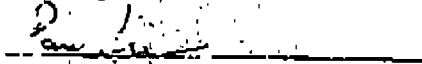
This Letter of Intent is for Deloitte to request 500 DID Number for (PRIME or ADL Service). Deloitte may activate the numbers requested within 180 days from the date of assignment. If not activated after the 180 days, the requested numbers will be re-allocated. Our service will be from the Nashville Switch NSV1.TN48DS0 servicing the Nashville Rate Center. The number sequence 1300 to 1799 is to be reserved for Deloitte up to 180 days.

List Restrictions (if any): No 0 or 9 block, must be consecutive.

Example:

The requested numbers must be consecutively available in the NPA: NXX, but cannot be XXX. Cannot use ranges in the 8000, 9000, 0000 blocks.

Sincerely,



Paul Sizemore

615-882-7076

MTE

EXHIBIT

Page 1 of 2

## Pooling Administration System

 mmanochio@att.com (SP)

Sign Out

### Months to Exhaust and Utilization Certification Worksheet - TN Level

Date **Wednesday, March 10, 2004**OCN **7658**Company Name **TCG AMERICA, INC. - TN**Rate Center **NASHVILLE**List all Codes NPA(s)-NXXs and Blocks NPA(s)-  
NXX-X(s)

615	514	'0000'	'0999'
615	514	'1000'	'1999'
615	514	'2000'	'2999'
615	514	'3000'	'3999'
615	514	'4000'	'4999'
615	514	'5000'	'5999'
615	514	'6000'	'6999'
615	514	'7000'	'7999'
615	514	'8000'	'8999'
615	514	'9000'	'9999'

Name of Block Applicant **Ms MICHELLE C MANOCHIO**Title **SUPERVISOR**Telephone Number **(908) 234-5707**Fax Number **(908) 234-8044**E-Mail **mmanochio@att.com**A. Available Numbers \* **7607**B. Assigned Numbers \* **12912**C. Total Numbering Resources \* **23000**D. Quantity of numbers activated in the past 90  
days and excluded from the Utilization  
calculation \***0**

List excluded Code(s) or Block(s)

E. Growth History - Previous 6 months<sup>2</sup> \*

Month 1	<b>0</b>	Month 2	<b>0</b>
Month 3	<b>14680</b>	Month 4	<b>160</b>
Month 5	<b>-53</b>	Month 6	<b>342</b>

MTE

Page 2 of 2

F Forecast - Next 12 months<sup>3</sup>

Month 1	1000	Month 2	0
Month 3	0	Month 4	0
Month 5	0	Month 6	0
Month 7	0	Month 8	0
Month 9	0	Month 10	0
Month 11	0	Month 12	0

G. Average Monthly Forecast (Sum of months # 1-6 (Part F above) divided by 6) 166.667

H. Months to Exhaust<sup>4</sup> (Numbers Available for Assignment to customers (A) / Average Monthly Forecast (G))Block Requested  
1A. Available Numbers  
7607H. Months to Exhaust  
45.642I. Utilization<sup>5</sup> (Assigned Numbers (B)) / (Total Numbering Resources (C) - Excluded Numbers (D)) \* 100

56.139

Explanation

1. A copy of this worksheet is required to be submitted to the Pooling Administrator when requesting additional numbering resources in a rate center. For auditing purposes, the applicant must retain a copy of this document.
2. Net change in TNs no longer available for assignment in each previous month, starting with the most distant month as Month #1, and Month #6 as the current month.
3. Forecast of TNs needed in each following month, starting with the most recent month as Month #1.
4. To be assigned an additional thousands-block (NXX-X) for growth, "Months to Exhaust" must be less than or equal to 6 months. (FCC 00-104, § 52.15 (g)(3)(iii)).
5. Newly acquired numbers may be excluded from the Utilization calculation (FCC 00104, section 52.15 (g)(3)(ii))

Show Calculations

Continue

Cancel

**Pooling Administration System** mmanochio@att.com (SP)

Sign Out

**Part 1A****Type of Application : New****1.1 Contact Information :***Note: If any of the contact info is incorrect, edit your user profile.***Block Applicant :**Company Name **TCG AMERICA, INC. - TN**Headquarters Address **900 ROUTE 202/206 NORTH**City **BEDMINSTER**State **NJ**Zip: **07921**Contact Name **Ms MICHELLE C MANOCHIO**Contact Address **900 ROUTE 202/206 NORTH**City **BEDMINSTER**State **NJ**Zip **07921**Telephone **(908) 234-5707**Fax **(908) 234-8044**E-mail **mmanochio@att.com****Pooling Administrator :**Contact Name **Ms Dora Wirth**Contact Address **1800 Sutter St. Ste. 780**City **Concord**State **CA**Zip **94520**Telephone **9253638706**Fax **9253637684**E-mail **dora.wirth@neustar.com****1.2 General Information**LRN Needed **No**NPA **615**LATA \* **470**OCN **7658-TCG AMERICA - TN**Parent Company OCN \* **7125**Number of Thousands-Blocks Requested **1**Switch Identification (Switching Identity/POI) \* **NSVLTN48DS0**City or Wire Center Name **NSVLTN48**Rate Center **NASHVILLE**

Rate Center Sub Zone

**1.3 Dates**